

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DALE HOLMGREN,

**Plaintiff,**

V.

# SUN LIFE AND HEALTH INSURANCE COMPANY,

**Defendant.**

CASE NO. 4:17-cv-03028-YGR

## **[PROPOSED] JUDGMENT**

SUN LIFE AND HEALTH INSURANCE  
COMPANY,

Defendant.

Pursuant to the Court's Order Granting Motion for Judgment in Favor of Plaintiff (Docket No. 48):

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Plaintiff Dale Holmgren (“Plaintiff”) shall have Judgment in his favor and against Defendant Sun Life and Health Insurance Company (“Sun Life”) on his claim for long term disability benefits.

It is FURTHER ORDERED, ADJUDGED, and DECREED that Sun Life shall pay retroactive long term disability benefits to Plaintiff from the date of his disability, August 6, 2015, through January 4, 2019, minus the Plan's elimination period, and subject to the Plan's Other Income Benefits provisions, in the total amount of \$305,531.02. Sun Life's payment of this sum does not impact its right under the Plan to enforce the Plan's "What happens when Other Income

1 Benefits have been awarded or have been denied?" provision if Plaintiff received amounts from a  
2 voluntary separation of employment agreement from Hitachi, including severance pay or any other  
3 income settlement of an employment contract with Hitachi, that qualified as Other Income  
4 Benefits under the Plan.

5 It is FURTHER ORDERED, ADJUDGED, and DECREED that Sun Life shall pay interest  
6 on the retroactive long term disability benefits in the amount of an additional \$12,711.97.

7 It is FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff's long term  
8 disability benefits under the Plan be reinstated.

9 It is FURTHER ORDERED, ADJUDGED, and DECREED, that Sun Life shall pay  
10 Plaintiff monthly long term disability benefits after January 4, 2019 until such time Plaintiff no  
11 longer qualifies for benefits under the terms of the Plan.

12 It is FURTHER ORDERED, ADJUDGED, and DECREED, that Plaintiff shall have his  
13 costs of suit and that any Motion for Attorneys' Fees as allowed under ERISA shall be filed within  
14 thirty (30) days of the date hereof. The parties are to meet and confer prior to the filing of any  
15 Motion for Attorneys' Fees.

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17 DATED: January 16, 2019  
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Yvonne Gonzalez Rogers  
United States District Judge

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